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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF NEBRASKA  
  
3   LISSETTE LARIOS ROOHBAKHSH,   )  
4   as personal representative    )  
5   of the ESTATE OF FATIMA       )  
6   LISSETTE LARIOS and on behalf )  
7   of next of kin,                )  
8                                    )  
9   and                               )  
10                                    )  
11   NELSON LARIOS, as next of kin )  
12                                    )  
13                   Plaintiffs,     )  
14                                    )  
15   v.                                ) Case No. 8:17-cv-00031  
16                                    )  
17                                    )  
18   BOARD OF TRUSTEES OF THE       )  
19   NEBRASKA STATE COLLEGES,       )  
20                                    )  
21   And                               )  
22                                    )  
23   CHADRON STATE COLLEGE,         )  
24                                    )  
25                   Defendants.       )

16 -----  
17                   VIDEOTAPED DEPOSITION OF

18                   RIKKI BOWEN

19                   Monday, October 29, 2018  
20 -----

21  
22  
23   ATKINSON-BAKER, INC.  
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25   FILE NO.:       AC0B246

Rikki Bowen  
October 29, 2018

**EXHIBIT**  
**15**

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<p>1 APPEARANCES: 2 For the Plaintiffs: Mr. Martin Gould 3 Romanucci &amp; Blandin, LLC 4 33 N. LaSalle Street 5 Chicago, IL 60602 6 312-458-1000 7 mgould@rblaw.net 8 9 For the Defendants: Mr. Thomas E. Johnson 10 Johnson &amp; Tabor 11 11932 Arbor Street 12 Suite 101 13 Omaha, NE 68144 14 402-506-4444 15 tjohnson@johnsontabor.com 16 For the Defendants: Mr. George E. Martin, III 17 Baird Holm, LLP 18 1700 Farnam Street 19 Suite 1500 20 Omaha, NE 68102 21 402-344-0500 22 gmartin@bairdholm.com 23 24 Also Present: 25 Todd Davis Videographer</p> <p style="text-align: right;">Page 2</p>	<p>1 EXHIBITS 2 3 NUMBER DESCRIPTION PAGE 4 1 Plaintiffs' Fourth Supplemental 29 5 Rule 26(a) Disclosures 6 7 2 Affidavit of Rikki Bowen 60 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 4</p>
<p>1 The Videotaped deposition of Rikki Bowen was taken by 2 counsel for the Defendants at the Hilton Garden Inn, 3 290 Alfred Thun Road, Clarksville, Tennessee, on 4 Mpdnday, October 29, 2018, beginning at 10:16 a.m., 5 for all purposes under the Tennessee Rules of Civil 6 Procedure. 7 It is agreed that Gina R. Hunter, 8 Licensed Court Reporter, may swear the witness, take 9 the deposition, and afterwards reduce the same to 10 typewritten form, and that the reading and signing by 11 the witness is waived. 12 All formalities as to caption, certificate, 13 transmission, filing, et cetera, are waived. All 14 objections, except as to the form of the questions 15 are reserved to on or before the hearing. 16 ----- 17 INDEX 18 RIKKI BOWEN: PAGE 19 Examination by Mr. Johnson ..... 5 20 Examination by Mr. Gould ..... 81 21 22 23 24 25</p> <p style="text-align: right;">Page 3</p>	<p>1 THE VIDEOGRAPHER: This is the legal 2 video deposition of Rikki Bowen on October the 29th, 3 2018 at the time reflected on the screen which is 10:16 4 AM. The full introduction has been waived. Court 5 reporter, would you please we are in the witness. 6 RIKKI BOWEN, 7 having first been duly sworn or affirmed, 8 testified as follows: 9 EXAMINATION 10 BY MR. JOHNSON: 11 <b>Q. Good morning, Ms. Bowen. How are you?</b> 12 A. I'm good. How are you? 13 <b>Q. I'm good. Thank you for coming in today. Is</b> 14 <b>it -- is it okay with you if I call you Rikki?</b> 15 A. Yeah. 16 <b>Q. Thank you. Appreciate it. My name is Tom</b> 17 <b>Johnson, Rikki. I represent the Nebraska State College</b> 18 <b>System which is the operating entity for Chadron State</b> 19 <b>College. We've been named as defendants in the lawsuit</b> 20 <b>filed by the family of your friend, Fatima Larios. Are</b> 21 <b>you generally aware of the existence of that lawsuit?</b> 22 A. Yes. 23 <b>Q. How did you first find out --</b> 24 A. I saw it -- well, I first saw it on -- like 25 online and then I had a bunch of her friends from</p> <p style="text-align: right;">Page 5</p>

2 (Pages 2 to 5)

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<p>1 with us that they had to let Fatima go because she 2 wasn't going to play for us anymore. She didn't want 3 to. 4 <b>Q. And that happened before the season opened?</b> 5 A. The -- like, we have a preseason, so we still 6 played games, but the actual games that count don't 7 start until March. So played from like when we had our 8 fall season and then we started a few games in January 9 til February until actual season started. 10 <b>Q. All right. So there are games in January and</b> 11 <b>February, they're just not part of the official season?</b> 12 A. Right. 13 <b>Q. You call them the preseason?</b> 14 A. It's called preseason. 15 <b>Q. Right?</b> 16 A. Yeah. 17 <b>Q. Did that include any road trip anywhere?</b> 18 A. Yes, it did. 19 <b>Q. Preseason?</b> 20 A. Yeah. 21 <b>Q. Where did you go?</b> 22 A. I don't recall. I've played so many games. I 23 don't know that -- that particular freshman year. 24 <b>Q. Was it normal to take the preseason trip to</b> 25 <b>Florida?</b></p> <p style="text-align: right;">Page 74</p>	<p>1 <b>044, wasn't she?</b> 2 A. Yeah. But she didn't hit as much as other 3 people did if that makes sense. Like Coach P ended up 4 having a hitter for her and she only played defense like 5 on the field. 6 <b>Q. And that happened during the preseason?</b> 7 A. Yeah. 8 <b>Q. And then at some point in time, Fatima advised</b> 9 <b>Coach Paris that she was seeking a transfer, correct?</b> 10 A. Correct. 11 <b>Q. And Coach Paris announced that she had told</b> 12 <b>Fatima if you're transferring, you're not going to play</b> 13 <b>and you probably shouldn't be on the team, correct?</b> 14 A. I don't know their conversation, but from how 15 she told us it was a mutual agreement, there was no 16 arguing. Fatima wanted to transfer and that's just -- 17 she just didn't play anymore. But I can't recall -- I 18 don't know their actual conversation. 19 <b>Q. Did you continue to see Fatima on a daily basis</b> 20 <b>after that?</b> 21 A. Yeah. She still was on campus all the time. 22 She came to our games while she was still there. She 23 came to a bunch of practices. 24 <b>Q. What was Fatima's reaction to the departure</b> 25 <b>from the team?</b></p> <p style="text-align: right;">Page 76</p>
<p>1 A. Oh, no. We've never been to Florida. 2 <b>Q. Okay. So did Fatima start in some of the</b> 3 <b>preseason games?</b> 4 A. She started in every game when she played. 5 <b>Q. Okay. That's what I'm trying to get at because</b> 6 <b>in paragraph 19 of the affidavit you say "Fatima and I</b> 7 <b>were the only freshmen to start on the varsity softball</b> 8 <b>team." But as I understand it, Fatima did not start on</b> 9 <b>any regular season games because she was off the team by</b> 10 <b>then, correct?</b> 11 A. Yeah. But what I mean is the games we did 12 play, she did start and no other freshmen did. 13 <b>Q. Okay. And those would all be preseason games?</b> 14 A. Yes. 15 <b>Q. And do you know approximately how many</b> 16 <b>preseason games there were?</b> 17 A. I don't know. Because there were tournaments 18 so we'd play maybe five games a weekend or four games. 19 <b>Q. So could there have been as many as 10 or 20</b> 20 <b>preseason games?</b> 21 A. Probably closer to 10, 15. 22 <b>Q. You remember Fatima getting into a batting</b> 23 <b>slump during that period?</b> 24 A. Yeah, she wasn't that great of a hitter. 25 <b>Q. Well, it was a matter of fact, she was hitting</b></p> <p style="text-align: right;">Page 75</p>	<p>1 A. She wasn't mad or sad. She was just ready to 2 find another team that she could play for closer to 3 home. 4 <b>Q. When did Fatima tell you for the first time</b> 5 <b>that she was going to or wanted to transfer?</b> 6 A. Well, after that practice, we noticed that she 7 wasn't there. And we showed up at practice, we show up 8 early, coach told us right before practice. And I text 9 her after practice, like no, like I still want you on 10 the team. And she was like yeah, but I just need to 11 look for other colleges, go back home. And that --- 12 that was the conversation, it was that day. 13 <b>Q. So she didn't share with you her plans before</b> 14 <b>she actually did it?</b> 15 A. Well, I knew that she wanted to transfer, but I 16 think they made a mutual agreement in their meeting that 17 she just wasn't going to play anymore. I don't think 18 she actually knew that she wasn't going to play. I 19 don't know what the conversation was. She never told 20 she was going to stop playing, but she did tell me 21 before that she did want to go closer to home. So I 22 knew she didn't want to come back next year, the year 23 after. 24 <b>Q. Okay. Rikki, that's what I'm trying to get at.</b> 25 <b>When did Fatima first tell you that she was thinking</b></p> <p style="text-align: right;">Page 77</p>

20 (Pages 74 to 77)

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<p>1 THE WITNESS: Okay. Thank you.  2 THE VIDEOGRAPHER: Okay.  3 MR. JOHNSON: Rikki --  4 THE VIDEOGRAPHER: Do you have more  5 questions?  6 MR. JOHNSON: -- before you go. You  7 have some rights as a witness that I need to tell you  8 about. Under federal rules, you have a right as a  9 witness to read and review the transcript of your  10 deposition after the court reporter has typed it up into  11 English format and before it gets sealed for potential  12 use in a case. It's a right that personally belongs to  13 you. I don't represent as you to whether you should  14 exercise it or not.  15 If you do choose to exercise your right,  16 the court reporter will make arrangements to provide you  17 a transcript that you can then review. You can make a  18 notation on a separate sheet of any errors that you  19 believe were made in recording and transcribing your  20 testimony. You will then be asked to sign it before a  21 notary public and return it to the court reporter within  22 30 days. If you waive the right to read and review, you  23 will have nothing further to do with the deposition.  24 The transcript will be sealed for further use in the  25 case without your further review, but you need to tell</p> <p style="text-align: right;">Page 90</p>	<p>1 REPORTER'S CERTIFICATE  2 I, Gina R. Hunter, Licensed Court Reporter,  3 and Notary Public for the State of Tennessee, hereby  4 certify that I reported the foregoing proceedings at  5 the time and place set forth in the caption thereof;  6 that the proceedings were stenographically reported  7 by me; and that the foregoing proceedings constitute  8 a true and correct transcript of said proceedings  9 to the best of my ability.  10 I FURTHER CERTIFY that I am not related to  11 any of the parties named herein, nor their counsel,  12 and have no interest, financial or otherwise, in the  13 outcome or events of this action.  14 IN WITNESS WHEREOF, I have hereunto affixed  15 my official signature and seal of office this  16 12th day of November 2018.  17  18  19  20  21 -----  22 GINA R. HUNTER, LCR  23 AND NOTARY PUBLIC FOR THE  24 STATE OF TENNESSEE  25  26 LCR No. 639 Expires 6/30/2020  27  28 Notary Commission Expires 8/20/2019</p> <p style="text-align: right;">Page 92</p>
<p>1 the court reporter whether you wish to review it or not.  2 THE WITNESS: I'll tell you, I'll waive  3 it.  4 MR. JOHNSON: Thank you very much. We  5 appreciate your time and patience.  6 THE VIDEOGRAPHER: Okay. It's 12:07.  7 This is the end of the deposition. We're off the  8 record.  9 (Proceedings concluded at 12:07 p.m)  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: right;">Page 91</p>	

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1 REPORTER'S CERTIFICATE

2 I, Gina R. Hunter, Licensed Court Reporter,  
3 and Notary Public for the State of Tennessee, hereby  
4 certify that I reported the foregoing proceedings at  
5 the time and place set forth in the caption thereof;  
6 that the proceedings were stenographically reported  
7 by me; and that the foregoing proceedings constitute  
8 a true and correct transcript of said proceedings  
9 to the best of my ability.

10 I FURTHER CERTIFY that I am not related to  
11 any of the parties named herein, nor their counsel,  
12 and have no interest, financial or otherwise, in the  
13 outcome or events of this action.

14 IN WITNESS WHEREOF, I have hereunto affixed  
15 my official signature and seal of office this  
16 12th day of November 2018.

17 (signature not requested)  
18

19   
20

21 -----  
22 GINA R. HUNTER, LCR  
23 AND NOTARY PUBLIC FOR THE  
24 STATE OF TENNESSEE

25 LCR No. 639 Expires 6/30/2020

Notary Commission Expires 8/20/2019